

Applicant : Rourke, et al.
Appl. No. : 10/719,228
Examiner : O'Connor Cary E.
Docket No. : 702563.4010

REMARKS

Claims 1 and 59-72 are pending in this application. In the office action, the Examiner rejected claims 1, 59, 61-64, and 72 under 35 U.S.C. . § 102(e) as being anticipated by Roth '175, and rejected claim 60 under 35 U.S.C. § 103 as being unpatentable over Roth '175 in view of Pinchuk '544. The Examiner indicated that claims 65-71 were objected to, but that they would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

By this amendment, claims 1, 59-64, and 72 have been cancelled without prejudice in order to secure issuance of a patent containing the allowed claims. Claims 65-70 have been amended to comply with the Examiner's objections. Claim 71 has been amended to reconcile its recited antecedent with its base claim (claim 70). Thus, Applicant has complied with all matters raised in the office action. Applicant respectfully requests consideration and entry of the amendment, and issuance of a Notice of Allowance for claims 65-71.

Applicant intends to pursue claims 1, 59-64, and 72 (or claims having similar scope) in a continuation application to follow. Applicant's cancellation of these claims in this amendment should not be understood to be an agreement with the Examiner's basis for rejecting those claims, which rejections Applicant continues to maintain were improper. Rather, the present cancellation of claims 1, 59-64, and 72 are solely for the purpose of accelerating prosecution and obtaining issuance of a patent containing the allowed claims.

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CONCLUSION

In view of the foregoing, it is submitted that the claims now presented in this application define patentable subject matter. Accordingly, Applicant respectfully requests entry of the amendments and allowance of the claims.

The Commissioner is authorized to charge any fee which may be required in connection with this Amendment to deposit account No. 15-0665.

Respectfully submitted,

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